

**Senate Appropriations Markup
FY 2002 Budget
Committee Report Requirements**

July 19, 2001

The following language in the Senate Report requires reports from NOAA:

Operations, Research and Facilities

Ocean Observing System – The Committee directs the relevant agencies to work through the National Science and Technology Council and the National Oceanographic Partnership Program to develop an interagency plan for an ocean observing system and submit this report to the Committee with the President's fiscal year 2003 budget request.

National Ocean Service

Navigation – Of the amounts provided for the Joint Hydrographic Center, \$1,000,000 is for a study to analyze the data needs for developing a U.S. claim beyond the 200 nautical mile Exclusive Economic Zone. This report will be submitted to Congress by May 31, 2002, and will identify existing data, data gaps, survey costs, and contracting opportunities to prepare a U.S. claim.

Ocean and Coastal Management – The Committee is concerned that the Federal Coastal Zone Management Program has not adequately identified State practices that may contribute to coastal hazards. The NOAA is to provide a report to the Committees on Appropriations by September 15, 2001, that identifies States with Federally approved Coastal Management Programs with policies that allow for the readjustment of beachfront zoning, building baselines, and setback regulations based upon shoreline accretion and erosional characteristics. This report will specifically identify those States with policies that allow artificial shoreline accretion and beach nourishment to be the basis for modifying placement of beachfront zoning lines, baselines, and construction setback mechanisms.

Ocean and Coastal Management – The Committee recommendation includes \$3,000,000 for marine protected areas. The Committee notes that a national discussion on the potential of marine protected areas to protect the country's marine resources is merited. The Committee is concerned, however, that the nature of this discussion could be limited only to the input of Federal officials and ignore the true stakeholders and users of these resources. The Committee strongly recommends that NOAA seek broad input from commercial and sport fishermen as well as from scientists, fisheries experts, and environmentalists before rendering any decisions or making any recommendations to the Secretary of Commerce or to the Congress on the matter of creating marine protected areas. NOAA will submit a spending plan to the Committees on Appropriations on how it intends to engage the above groups before any of the funds for marine protected areas are obligated.

National Marine Fisheries Service

Regulatory processes – The Committee observes that there are opportunities to significantly improve the regulatory processes of the National Marine Fisheries Service. Currently, NMFS handles each Endangered Species Act or National Environmental Policy Act case on an ad hoc basis, causing unnecessary delays, unpredictable outcomes, and a lack of accountability. The development and application of standardized practices would improve the quality and efficiency of regulatory decisions and raise the likelihood of success in litigation. The Committee instructs NOAA and NMFS develop and apply throughout NMFS standardized practices for regulatory decisions. Furthermore, the Committee recommends streamlining the process by reducing the layers of review and concentrating the responsibility on qualified decision makers. The Committee expects to receive a plan for accomplishing these objectives by December 15, 2001, followed by quarterly reports of progress against these objectives. *[NOTE: There are two reports included here – the original plan, followed by quarterly reports.]*

Pending litigation – The Committee remains concerned that NMFS has become overburdened by lawsuits regarding a variety of issues related to fisheries protected species, including the Steller sea lion and the Northern right whale. In order to assist the Committee in assessing this trend, NMFS is directed to provide a quarterly status report on pending litigation.

Western Pacific Regional Office – Out of base funds budgeted for the Southwest Regional Office [SWR], the Committee provides \$1,000,000 for the Pacific Islands Area Office [PIAO] for administrative costs associated with the transition of the PIAO to the Western Pacific Regional Office. Within 30 days of date of enactment, SWR shall provide a report identifying all funds expended in fiscal years 2000 and 2001 by the SWR to support programs relating to Western Pacific region.

Right Whales – The Committee recommendation includes \$7,000,000 for North Atlantic right whale research and management activities. Of the amount provided, \$1,000,000 is for the Northeast Consortium to complete funding of right whale research grants awarded in fiscal year 2001; and, \$1,500,000 is for Atlantic coastal states to implement cooperative federal-state right whale recovery plans, such as those concluded under section 6 of the Endangered Species Act [ESA]. The Committee strongly encourages NMFS to conclude ESA section 6 agreements with coastal states of concern prior to fiscal year 2003. The remaining \$4,500,000 is for NMFS to expedite right whale recovery in consultation with the Implementation Team and the Take Reduction Team. The NMFS is expected to support priority management, enforcement, and ship strike prevention activities, including expedited development and deployment of innovative fishing gear and whale tracking technologies, improved stranding response and procedures, a whale-sighting advisory system, and a mandatory ship-reporting system. No more than 20 percent of funds provided to NMFS may be used for salaries of existing personnel. The Committee expects NMFS to submit a status report to Congress describing its progress in meeting the priority recovery goals established in the 5-year research and management plan, as was requested in the fiscal year 2001 Conference Report. The Committee notes that this report has not been submitted for review by the Appropriations subcommittee. None of the funds for right whale activities may be obligated until this report has been approved.

Sea Turtle International Conservation [Report through Department of Commerce and Department of State] – The Committee supports NMFS's efforts to address international conservation and recovery of sea turtles through an international bycatch strategy under Magnuson-Stevens Act Section 202(h), which calls for the Secretary of State, in cooperation with the Secretary of Commerce, to seek international agreements to establish standards and measures for bycatch reduction that are comparable to U.S. standards. International action is urgently needed in the international longline fishery, particularly in the Pacific region. In furtherance of this goal, the Committee directs NMFS, in cooperation with the Department of State, to work with other nations and industry, including the Asia-Pacific Economic Cooperation Forum, to develop alternative fishing technologies and practices designed to reduce incidental capture mortality of sea turtles in the international longline fleet. NMFS is urged to convene preparatory meetings on gear development, particularly in the Pacific region, prior to the technical workshop scheduled for 2002 to ensure that agreement on alternative gear research and data sharing, including timetables for specific action, can be concluded at this workshop. The Department of Commerce and Department of State shall report back on the status of these efforts within 90 days of enactment of this Act.

Fisheries Research and Management – The Committee recommendation includes \$5,000,000 for the National Fisheries Information System. The NMFS will submit a spending plan on the capabilities and out-year costs of this system before any funds for it may be obligated.

Program Support

Office of Marine and Aviation Operations – Of the \$15,185,000 provided in Aircraft Services, the Committee recommends that an additional \$1,000,000 be used to support the necessary overhaul of the P 3 aircraft. Prior to the obligation of funds, NOAA is directed to provide to the Committees on Appropriations an assessment of the condition of the aircraft, especially as it relates to corrosion, and the anticipated benefits from spending \$1,500,000 as it relates to aircraft performance and service life.

The following language from the Senate Bill requires a report:

Business Management Fund – In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration . . . *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress.

The following language is directive, and may require reports on compliance and/or completion:

National Oceanic and Atmospheric Administration

The Committee recommends a total of **\$3,349,685,000** for NOAA of which, **\$7,000,000** is mandatory spending. Transfers total **\$71,000,000**. This amount provided includes **\$251,000,000** for programs in the conservation spending category. The recommendation is **\$286,085,000** above the budget request. During this time of continued budgetary constraint, the Committee recommendation continues to make funding for ocean, coastal, fisheries, and atmospheric programs a priority.

The Committee directs NOAA to continue its restructuring efforts and expects the fiscal year 2003 budget request to reflect the changes contained within these tables. The Committee continues to support NOAA as one integrated agency and in no way intends for this restructuring to create separate appropriations for each of NOAA's line offices.

Operations, Research, and Facilities

The Committee recommends discretionary appropriations of **\$2,267,705,000** for operations, research, and facilities for fiscal year 2002. The recommendation is **\$87,396,000** above the budget request. Of this amount, **\$33,650,000** is provided for conservation.

National Ocean Service

Ocean Resources Conservation and Management. The Committee directs the National Ocean Service to establish a Coastal Observation Technology System. This program shall provide a national framework, technical assistance, and support for sustained coastal observation systems. Among the entities with which the NOS is directed to engage are the Alliance for Coastal Technologies, Center for Integrated Marine Technologies, the University of New Hampshire Sea Grant program, and other regional organizations as appropriate. Regarding this activity, the Secretary and the NOS have the authority to transfer funds and enter into agreements with any entity, including other federal agencies. The Committee recommendation includes \$12,000,000 for this program, of which \$3,000,000 is for the alliance for Coastal Technologies; \$3,000,000 is for the Center for Integrated Marine Technologies; and \$3,000,000 is for the University of New Hampshire Sea Grant program. Funding for this activity is from the conservation category.

Under funding for the Coastal Ocean Program, the Committee directs the program to work with and continue its current levels of support for the Baruch Institute's research and monitoring of small, high-salinity estuaries.

National Marine Fisheries Service

The Committee recommends an appropriation of \$555,775,000 for the National Marine Fisheries Service (NMFS). The recommendation is \$42,261,000 above the budget request. *The Committee has included bill language directing NMFS to obligate \$6,000,000 to the NOAA Office of General Counsel.* This will enable the Under Secretary and Associated Offices to remain fully funded. *The Committee directs that this realignment will only come from NMFS base funds.*

National Weather Service

The Committee directs the NWS to make appropriate arrangement to maintain a local presence for the maintenance of the NOAA weather radio antenna in Erie, PA and develop a strategy to adequately address the prediction of lake-effect snow in the area.

Corporate Services

OMAO - The Committee directs NOAA to plan for the R/V RONALD H. BROWN to spend no less than 139 days at sea in the Atlantic Ocean during fiscal year 2002 for oceanographic research opportunities lost in prior years.

The following language from the Department of Commerce section refers to reports that may require NOAA input:

Department Management

The Committee is concerned by the uncontrolled growth and lack of Congressional oversight of the Working Capital Fund (The Fund). The Committee believes that the Department's use of bureau program funds which are appropriated for program purposes should be scrutinized through reprogramming procedures. In addition, the Committee is concerned by the Department's use of appropriated Bureau program funds to finance new Departmental initiatives. It is the Committee's intent that all programs and activities financed through the Fund shall require the advance approval of the Committee under the provisions of Section 605. Consequently the Department will submit a request for reprogramming before any funds may be obligated to or from the Fund.

The Committee has included bill language that caps the Fund at a level of \$177,000,000 and 700 Full-Time Equivalents (FTE). Included is language capping funding for the Commerce Administrative Management System (CAMS) or CAMS-related products at \$40,000,000. No more than \$15,000,000 for CAMS will be assessed to NOAA.

**Senate Markup
FY 2002 Budget
Required Reports**

<u>Line Office</u>	<u>Report</u>	<u>Due Date</u>
NOAA (with other agencies)	Interagency plan for Ocean Observing System	With FY03 President's Budget Request
NOS	Data needs for US claim beyond 200 mile EEZ	May 31, 2002
NOS	Identifying states with CZM Programs with policies that may contribute to coastal hazards	September 15, 2001
NOS	Spending plan for MPAs including how NOAA plans to engage stakeholders	Before any MPA funds are obligated
NMFS	Plan (with objectives) for developing standardized practices for regulatory decisions	December 15, 2001
NMFS	Quarterly reports against the plan for standardized regulatory decisions	Quarterly
NMFS	Quarterly status report on pending litigation related to fisheries and protected species	Quarterly
NMFS - South West Region	Identify all funds expended in FY '00 & '01 by the SWR to support programs relating to the Western Pacific region.	Within 30 days of enactment
NMFS	Right Whale progress report in meeting 5 year plan priority goals	Report must be approved before any Right Whale funds may be obligated
NMFS (with DOC & State Dept)	Develop alternative fishing technologies to reduce sea turtle mortality in the International longline fleet	Within 90 days of enactment

<u>Line Office</u>	<u>Report</u>	<u>Due Date</u>
NMFS	Spending plan on capabilities and outyear costs of the National Fisheries Information System	Before any funds for NFIS can be obligated
OMAO	Report on the conditions of the P-3 aircraft	Prior to obligation of funds
OFA (from Bill language)	Schedule of expenditures and reimbursements, a statement of current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year.	Close of the fiscal year every year